IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 6713 OF 2004

M/s. B.M. Chaphalkar and Co. ...Petitioners.

Vs.

The State of Maharashtra and ors.
...Respondents.

Mr. N.V. Walavalkar with M.M. Sathaye for the Petitioners.

Mr.D.A. Patil, A.G.P. for the Respondent No.1.

Mr. Mandar Goswami for the Respondent Nos. 2 to 4.

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CORAM: D.B. BHOSALE, J.

DATED: 24/11/2004.

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P.C.

1. Mr. Walavalkar, the learned counsel for the petitioners on instructions states that he is not pressing this petition and the petitioners be given liberty to present their suit before the appropriate court. In the impugned order the petitioners are allowed to institute the suit before the Civil Judge, Sr. Division at Dhule. However, in view of the establishment of the District Court at Nandurbar, Mr. Walavalkar states that the petitioners be allowed to

present their suit before Nandurbar Court. Mr. Goswami, learned counsel for respondent Nos.2 to 4 has no objection for granting such liberty. Considering the submissions made by the learned counsel for the parties, I am satisfied that following order would met the ends of justice.

a) Petition is disposed of as not pressed.

b) The petitioners will have the liberty to present the suit before the Civil Judge, Sr. Division, Nandurbar within two weeks from today.

c) The interim order passed on 16.8.2004 and the statement of the learned counsel appearing for respondent Nos. 2 to 4, recorded in the order dated 3.11.2004, to remain operative for a period of two weeks from today.

d) The Trial Court will consider the application if any, filed by the petitioners seeking interim relief, on merits in accordance with law and uninfluenced by the interim order passed by this court and the statement made by the learned counsel for respondent Nos. 2 to 4 which is recorded in order dated 3.11.2004.

e) Liberty to the petitioners to apply before the Trial Court seeking amendment of the pleadings bringing subsequent events on record. If such application is filed same may be considered on merits in accordance with law.

. All concerned to act on a copy of this order duly authenticated by the Sheristedar/C.S. of this Court.

(D.B. BHOSALE,J.)